

**MINUTES
PLANNING & ZONING COMMISSION
TUESDAY, JUNE 11, 2013
REGULAR MEETING
6:00 PM**

The Planning and Zoning Commission met in **Regular Session at 6:00 p.m.**, on June 11, 2013 in the City Council Chambers of City Hall, 7008 South Rice Avenue, Bellaire, Texas for the following purposes:

I. Call to Order and Announcement of Quorum

Chairman Frazier called the meeting to order at 6:03 PM and announced that a quorum was present, consisting of the following members:

**Chairman Win Frazier
Vice Chairman Lori Aylett
Commissioner Wayne Alderman
Commissioner Paul Simmons
Commissioner S. Lynne Skinner
Commissioner Marc Steinberg
Commissioner Dirk Stiggins**

The following staff members were also present:

**Director of Community Development, John McDonald
Assistant City Attorney, Elliot Barner
Planning & Zoning Secretary, Ashley Parcus**

II. Approval of Minutes from Past Meetings

a. Regular Meeting of May 14, 2013.

Motion: a motion was made by Commissioner Alderman and seconded by Commissioner Steinberg to approve the minutes as written.

Vote: the motion carried on a vote of 6-0-1, with Commissioner Stiggins abstaining due to his absence at the May 14th meeting.

III. Reminder to citizens desiring to address the Commission

Chairman Frazier reminded all public to fill out sign in sheets if they wished to address the Commission.

IV. General Public Comments

Paul Atha, 5207 Locust-Mr. Atha wanted to introduce himself and inform the Commission that he and his neighbors have held numerous informal meetings to promote awareness/education of the proposed zoning changes within the Downtown & Bissonnet Corridor areas. He stated that they are 100% supportive but have come up with some new proposals that will benefit the residents affected. Mr. Atha stated that he looks forward to the opportunity to come before the Commission in the future with more organized thoughts.

V. Public Hearings

a. Docket #AR-2013-07

- i. **"Robinson on Maple"-Preliminary Replat of Lot "L," the West ½ of Lot "M" and Lot "N" save and except the West 60' of Lot "N" and save and except the East 35' of Lot "N" of the replat of Lots 2,3, & 4, Block 8 of Westmoreland Farms, 1st Amending Plat and Lot one "1" of a replat of the East ½ of Tract "M" and the West 60" of Tract "N" of First Amended Westmoreland Farms. The property is addressed as 4801 Maple St.**

Mr. McDonald explained that this is a preliminary replat to create a subdivision ("Robinson on Maple") consisting of 8 lots to be located at 4801 Maple St. and introduced the hearing process to the public.

Presentation by the Applicant

Rachel Crochet, 4913 Holly St.-Ms. Crochet stated that she is the realtor involved in the proposed subdivision. She informed the Commission that it is being developed by Palt Inc., and that the owner of the company, Tim Leppard, was present. She added that Arjeco Homebuilders is also involved. Ms. Crochet explained that the entire square footage of the property is 86,115, which will make each of the 8 proposed lots 10,764 square feet. She stated that Palt Inc. is the same company that is developing Will Jordan Way, which is to the east of the property in question and that Mr. Leppard is working very well with the city and the engineers. Ms. Crochet assured the Commission that it would be high-end, green construction, with each house being between 4,700-5,000 square feet and in the range of \$1.3 million. She mentioned that Mr. Leppard's proposal meets all of the requirements and that they were there to answer any questions that the Commission may have.

Presentation by the City

Mr. McDonald reiterated that this was a request for a preliminary replat to create 8 residential lots, each over 10,000 square feet, within the R-3 Zoning District. He stated that the proposal exceeds the required lot size in the R-3, as well as the lot width and depth. Mr. McDonald explained that the property is located on the south side of Maple, just outside the Loop. He informed the Commission that the preliminary plat provides a general layout and survey of the subdivision and allows the Commission to determine if the design is suitable for the parcel in question and falls within the parameters of city development regulations. He stated that it will be a two-step process, starting with the approval of the preliminary replat, which consists of approving the concept of the plan. This will allow the developer to go forward with the engineer's drawings, which would include the street that is proposed, drainage, utilities, etc. and will be reviewed by the city's public works department and city engineers before coming back to the Commission for final replat approval. Mr. McDonald stated that this property backs up to Houston and that the developer has gone out and gotten permission to use Harris County's

drainage system for this subdivision. He informed the Commission that the Public Works Director and Fire Marshall have reviewed the preliminary replat and have both given their approval to the concepts. Mr. McDonald stated that staff finds the replat consistent with the requirement for Chapter 23.5 of the Code of Ordinances, as well as the Comprehensive Plan and recommends approval of the preliminary replat.

Public Comment

There was no public comment.

Rebuttal by the Applicant

Ms. Crochet, 4913 Holly St.-Ms. Crochet added that currently Maple is a very busy street that is not safe for children. She stated that developing this subdivision containing a cul-de-sac will provide a much safer environment for children to play and ride their bikes.

Questions by the Commissioners

Commissioner Simmons asked Mr. McDonald if the Commission was charged with considering the drainage issues.

Mr. McDonald explained that it will be part of the final replat submitted to the Commission, but if the City Engineer and Public Works Director have approved the plan then the Commission will not be responsible for considering it.

Commissioner Simmons asked who would be responsible for maintenance of the street.

Mr. McDonald informed the Commission that the street will be dedicated to the city and that the city would be responsible for maintenance.

Commissioner Simmons asked Mr. Leppard if there would be any rainwater detention collection for landscaping.

Mr. Leppard stated that there will be underground rainwater retention in the front 30 feet of each lot, which will then filter through the grass and plants into the rainwater detention system and out to the gulley in the back of the property as purified water.

Commissioner Stiggins asked if the street was 50 feet wide.

Mr. McDonald stated that there is a 50 foot R.O.W and that typically it is done 28 feet curb to curb.

Commissioner Stiggins asked if that was the same as Maple St.

Mr. McDonald stated that Maple St. has a 60 foot R.O.W. and might be 2-4 feet wider.

Commissioner Stiggins asked if the water drains into the ditch behind the property.

Mr. Leppard confirmed this.

Commissioner Skinner asked how this project would affect the neighbors on either side of the property.

Mr. Leppard didn't foresee any issues or complaints other than just construction in general. He assured the Commission that his team does its best to keep a very clean site.

Vice Chairman Aylett asked if staff received any phone calls regarding the replat.

Mr. McDonald stated that staff had received no public comment and that notices had been mailed out to every resident and property owner within 200 feet.

Chairman Frazier asked what the timeframe would be for submission of the final replat.

Mr. McDonald explained that staff asks for the final replat within one year of approval of the preliminary replat. He estimated that it should be back to the Commission by August or September of this year.

Chairman Frazier asked if a Traffic Impact Analysis (TIA) was required with this project.

Mr. McDonald stated that TIAs are not required under subdivision regulations.

Motion: a motion was made by Vice Chairman Aylett and seconded by Commissioner Simmons to close the public hearing.

Vote: the motion carried on a unanimous vote of 7-0.

The Public Hearing was closed at 6:25 PM.

VI. Current Business (items for discussion, consideration, and/or possible action)

a. Docket #AR-2013-07

- i. **"Robinson on Maple"-Preliminary Replat of Lot "L," the West ½ of Lot "M" and Lot "N" save and except the West 60' of Lot "N" and save and except the East 35' of Lot "N" of the replat of Lots 2,3, & 4, Block 8 of Westmoreland Farms, 1st Amending Plat and Lot one "1" of a replat of the East ½ of Tract "M" and the West 60' of Tract "N" of First Amended Westmoreland Farms. The property is addressed as 4801 Maple St.**

Motion: a motion was made by Vice Chairman Aylett and seconded by Commissioner Simmons to approve the preliminary replat.

Vote: the motion carried on a unanimous vote of 7-0.

b. Update and discussion on the current status of proposed amendments to Chapter 24, Planning & Zoning Regulations, addressing zoning districts and/or the Downtown & Bissonnet Corridor.

Mr. McDonald informed the Commission that City Council considered this item on May 20, 2013 and voted to send it back to the Planning & Zoning Commission for re-evaluation. He stated that Council provided them with a significant list of items to reconsider, which was included in the agenda packet, and that the Commission will need to begin the process of reviewing the changes again. Mr. McDonald informed the Commission that staff is proposing to have a workshop after the July meeting to breakdown the list of items and see how each affects the code, as well as setting a schedule to gather any additional public input. He stated that an additional public hearing will be required depending on the changes that the Commission decides to make. Mr. McDonald reiterated that a planner who lives in the affected district has been holding neighborhood meetings in order to educate the citizens and increase awareness of the proposed changes. He explained that Gary Mitchell's contract has been completed and that he would have to go back to City Council and ask for more money if the Commission felt as though they need Gary to continue helping them through the process. Mr. McDonald added that the city needs to come up with a better way to increase public awareness.

Commissioner Alderman asked if the Commission would be allowed to hold neighborhood meetings.

Both Mr. McDonald and Mr. Barner advised against this so as not to violate the Open Meetings Act.

Mr. McDonald suggested the Commission hold a town hall meeting, or use the Bellaire Business Alliance to further educate the public on the proposed changes.

Commissioner Alderman mentioned that it didn't seem as though Council understood what the Commission was trying to accomplish and asked if the Commission should have another workshop with City Council.

Mr. McDonald stated that the problem is the public hearing process doesn't allow for enough time to fully explain the changes or purpose of the changes and mentioned that staff should either try to allow more time during the public hearing or hold a "pre-public hearing" to better educate the public as to what is being proposed.

Chairman Frazier asked if the Commission should create subcommittees to review the proposed changes.

Mr. McDonald suggested that the Commission review them as a whole until after the July workshop.

Vice Chairman Aylett said that in her opinion the Commission is going to need Mr. Mitchell's assistance.

Commissioner Simmons asked staff how long the review was predicted to take and how much money that was going to cost.

Mr. McDonald explained that he cannot predict those things until he knows where the Commission stands on possible revisions to the proposed changes.

Chairman Frazier stated that he was in favor of asking for more money to bring Mr. Mitchell back in and that he doesn't want to drag it on for another year.

Mr. McDonald said that the Commissioners will have to decide how often they would like to meet and then come up with a schedule that works for everyone.

Mr. Barner urged the Commission to go back and listen to City Council's discussion in order to better understand what it is that they are wanting.

Commissioner Stiggins asked if it seemed as though Council didn't understand the purpose of the changes and the goal that the Commission was trying to attain. He asked if the Commission should focus more on selling Council on the current proposals versus making changes.

Mr. McDonald said that the Councilmembers were merely responding with the questions and/or concerns that they heard from Bellaire residents and urged the Commission to send forward what they believe is appropriate.

Commissioner Stiggins stated that the only true issue that came up at the Planning & Zoning Public Hearing was dealing with Spruce St. and that the Commission did what they could to alleviate those concerns. He also agreed that Mr. Mitchell is a valuable asset in acting as a buffer between Council and the Commission and would help explain the ramifications of potential changes.

Commissioner Skinner mentioned that the Commission is going to need guidance on how to move on with the process and that it may need to be worked on more than once a month. She also stated that there needs to be a better way to get it out to the public.

Mr. McDonald stated that staff will work on coming up with more effective ways to get information out to the residents.

Vice Chairman Aylett said that this project had been an open process for quite some time and that the group that spoke at City Council's public hearing had not made an appearance at any of the Planning & Zoning meetings or workshops.

Commissioner Steinberg asked how the Commission was going to know where to start making changes at the workshop in July.

Mr. Barner reiterated going back and watching the public hearing before Council in order for the Commission to hear the comments and concerns.

Commissioner Stiggins suggested that the Commission focus less on making changes and more on justifying decisions.

Chairman Frazier added that City Council recognizes that Planning & Zoning does not always get the feedback that Council does.

VII. Committee Reports

There were no committee reports.

VIII. Correspondence

Chairman Frazier informed the Commission that he spoke in front of the Bellaire Business Alliance about the fact that the zoning changes will be coming back to the Planning & Zoning Commission for review. He stated that he reiterated the fact that the Commission will be using the Comprehensive Plan as a guide, and noted his concern that the citizens do not understand that this document was approved by the city as an outline that all projects should follow. He suggested that the Commission spend more time informing the public about the Comprehensive Plan in order to give them an idea of what the city's ultimate goal is.

IX. Requests for New Business, Announcements and Comments

a. Staff liaison report on the status of projects previously addressed by the Commission as well as projects for future meetings.

Mr. McDonald informed the Commission that the City held a Town Hall meeting with regards to proposed new city facilities and that there will be a second meeting on June 19th at 6:00 PM at the Civic Center. He encouraged the Commission to attend. Mr. McDonald reminded the Commission that terms expire at the end of the month and that the Commission will be losing one member. He stated that the new member will be appointed in July, therefore, staff will try to make the regular meeting as short as possible. Mr. McDonald explained that Larch Lane may be put on the July agenda but that staff was trying to give extra time for residents to understand the proposed changes and get additional information on it. He informed the Commission that the city registers every member of the Planning & Zoning Commission with the American Planning Association and that each member should be getting a monthly planning magazine, as well as offers to attend conferences with regards to planning. He urged the Commission to take advantage of those resources.

b. The Chairman shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future Agenda of the Commission or for referral to staff for investigation.

Vice Chairman Aylett stated that she would be on vacation during the July meeting; therefore, this would be her last one. She thanked City Council for the opportunity to serve, as well as the Commission and staff for their support over the last 4 years. Vice Chairman Aylett told the Commissioners that it had been a pleasure to have served with them and wished God speed to everyone.

Chairman Frazier stated that Vice Chairman Aylett would be missed greatly and that he hoped she would speak before the Commission as a Bellaire resident sometime in the future.

X. Adjournment

Motion: a motion was made by Commissioner Simmons and seconded by Commissioner Skinner to adjourn the regular meeting.

Vote: the motion carried on a unanimous vote of 7-0.

The meeting was adjourned at 7:21 PM.

Respectfully Submitted,

**Ashley Parcus
Planning & Zoning**

Approved:

**Win Frazier, Chairman
Planning & Zoning Commission**